

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ECF Case

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ADRIAN HUFF, as Chairman of the Board of Trustees
of TEAMSTERS LOCAL 445 CONSTRUCTION
DIVISION PENSION FUND,

Civil Action No. 07 Civ. 7083
(CLB)(LMS)

Plaintiff,

- against -

RODAR ENTERPRISES, INC.,

Defendant.

**AFFIDAVIT OF WILLIAM F.
CUSACK III IN SUPPORT OF
AN AWARD OF UNPAID
WITHDRAWAL LIABILITY,
INTEREST ON UNPAID
WITHDRAWAL LIABILITY,
LIQUIDATED DAMAGES,
ATTORNEYS' FEES AND
EXPENSES PURSUANT TO 29
U.S.C. § 1132(G)(2)**

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STATE OF NEW YORK)
COUNTY OF WESTCHESTER)ss.:

WILLIAM F. CUSACK III, declares under penalty of perjury:

1. I am an associate with the law firm of Sapir & Frumkin LLP, attorneys for Plaintiff in this case. This Affidavit is offered in support of the Plaintiff's application for attorney's fees and costs.

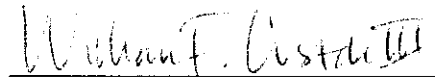
2. In accordance with standard operating procedures in our firm, I maintain a daily record of my employment activities, which contains for each case on which I worked, the activities in which I engaged that day and the amount of time spent calculated in tenths of an hour. The daily time records are entered into the firm's computerized database. Reports of the time records are reviewed by me to ensure their accuracy. The printout of recorded time, annexed as Exhibit 1 to the Affidavit of William D. Frumkin in Support of Application for Attorney's Fees and Costs Pursuant to 29 U.S.C. § 1132(g)(2) (hereinafter "Frumkin Aff."), contains an accurate statement of my activities and the time expended by me, which totals 42.10 hours of time expended for activities in this case.

3. In this matter, Sapir & Frumkin LLP charges Plaintiff a "blended hourly rate" of \$175.00 per hour for all legal services in all matters performed on Plaintiff's behalf regardless which attorney performs the services. *See* Frumkin Aff., Exh. 1.

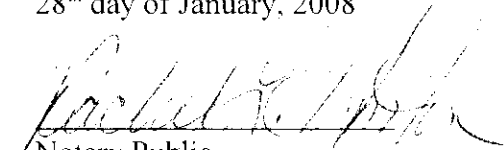
4. The actual amount of attorney's and paralegal's fees incurred by the Funds since commencement of the lawsuit on January 30, 2004, to the date of filing, is \$9,430.00. *See* Frumkin Aff., Exh 1.

5. The total amount of costs sought by Plaintiff pertaining to services performed by Sapir & Frumkin LLP, including filing fees, telephone and facsimile charges, legal research, postage, and mailing charges is \$514.30. *See* Frumkin Aff., Exh. 2.

6. No previous application for the relief herein has been requested.


William F. Cusack III (WC2497)

Sworn to before me this
28th day of January, 2008


Notary Public

RACHEL L. HORTON
NOTARY PUBLIC, State Of New York
No. 01H06095205
Qualified In Dutchess County
Commission Expires July 7, 2011

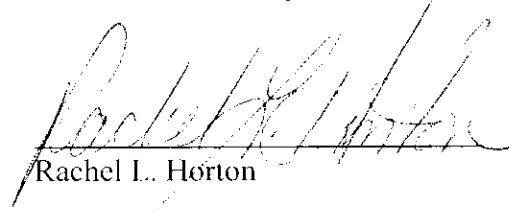
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CERTIFICATE OF SERVICE

I hereby certify that I am not a party to this action and am over 18 years of age. I further certify that on January 28, 2008, a copy of AFFIDAVIT OF WILLIAM F. CUSACK, III IN SUPPORT OF AN AWARD OF UNPAID WITHDRAWAL LIABILITY INTEREST ON UNPAID WITHDRAWAL LIABILITY, LIQUIDATED DAMAGES, ATTORNEYS' FEES AND EXPENSES PURSUANT TO 29 U.S.C. § 1132(G)(2) was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt including:

Edmund V. Caplicki, Jr., Esq.
Law Offices of Edmund V. Caplicki, Jr.
P.O. Box 15
LaGrangeville, New York 12540

Parties may access this filing through the Court's electronic filing system


Rachel L. Horton